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Letter dated 2 January 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Italy, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-22280 (E) 010402

Annex

Letter dated 27 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Italy to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to transmit herewith enclosed the national report on the counter-terrorism measures in force in Italy, prepared according to paragraph 6 of resolution 1373 (2001) of the Security Council (see enclosure). All the aspects of the counter-terrorism fight in Italy, including legislative, administrative and operational measures are therein uncovered. The report describes in a comprehensive manner the operative steps adopted in different sectors such as the action against the financing of terrorism, police and law enforcement, security of transportation and prevention of bioterrorism.

(*Signed*) Pier Benedetto **Francese**
Chargé d'affaires a.i.

Enclosure

National report of the Republic of Italy pursuant to paragraph 6 of United Nations Security Council resolution 1373 (2001)

1. Introduction

This report, submitted pursuant to paragraph 6 of UNSCR 1373 (2001), sets out the measures that the Italian Government has adopted in order to comply fully with the internationally adopted decisions to combat terrorism, both by adjusting its domestic legislation and through specific actions at the operational level. In its recent history, Italy has successfully fought a very hard battle not only against violent domestic terrorism, but also against highly aggressive forms of organised crime. In the course of this battle, Italy has fine-tuned its domestic legislation to deal with such crimes without at the same time weakening its Constitutional guarantees and the fundamental freedoms of the individual. The measures referred to in this report are therefore very often the result of a combination of existing legislation and newly-enacted legislative provisions. Furthermore, the existence of criminals whose roots are not only domestic, and the fact that they are conversant with advanced financial techniques, has led the Italian Government to adopt legislation designed to strike efficiently and globally at their financial assets.

In implementing the guidelines issued by the Prime Minister, the Government's action to combat terrorism involves a coordinated effort by the main Governmental Departments - Foreign Affairs, Home Affairs, Defence, the Economy, Infrastructure, Health - as well as the Bank of Italy, the Police, the "Carabinieri" (one of Italian Armed Forces with responsibility for territorial police), the "Guardia di Finanza" (Customs and Excise Police) and the Intelligence Services. In order to adequately take up the challenge posed by this new and extremely threatening attempt to undermine the rule of law and our fundamental freedoms, the Government has also set up specific inter-Departmental coordination bodies to deal with operational issues, and has greatly enhanced existing ones. These bodies work together, each providing their own specific input of skills and powers, and provide a coherent framework to combat terrorism with the required instruments in all its various manifestations.

The "Political-Military Unit" - NPM, established at the Office of the Prime Minister, reports directly to the Prime Minister and its role, its powers and responsibilities have been strengthened following the emergency derived from the 11 September events. The members of this Unit are senior representatives of all the Government Departments and Agencies responsible for combating terrorism and protecting the population throughout Italy; the NPM is therefore the body with the most wide-ranging and comprehensive functions. The NPM has coordinated the updating of the National Emergency Plan to deal with any CRBN attacks, with special attention to the measures adopted following the recent spell of anthrax attacks. The NPM has also coordinated action plans and operations relating to transport safety, bio-terrorism, the strengthening of preventive operations and the suppression of terrorist crime by the Police forces, and the enhancement of preemptive measures, civil and military. Equally important in this connection is the role of the "Committee for Security and Public Order", chaired by the Minister of Home Affairs, which has a long established coordination responsibility and whose remit has been further extended.

The "Financial Security Committee" - CSF - chaired by the Director-General of the Treasury, is responsible for monitoring the prevention and suppression of illegal terrorist financing. It brings together all the Government Departments and bodies operating in this field, with far-reaching powers which include that of obtaining information from the officials and Government Departments, in waiver of the Official Secrecy Act. The Bank of Italy has issued instructions to financial intermediaries requiring them to notify the "Ufficio Italiano Cambi" - UIC - (Italian Exchange Office and Financial Intelligence Unit) of any suspicious transactions linked in any way to individuals, entities or companies that may in any way be connected with the events of 11 September. This system has enabled Italy to adopt measures to order the sequestration of assets, subject to confirmation by the Courts, even before legislation was issued to fully incorporate into Italian law the provisions on freezing of assets adopted by the UN and the EU. As the G-20 has recognised, Italy has so far had excellent results in combating the financing of terrorism. By way of example, by 11 December 2001, 79 individuals and entities had had their assets frozen, comprising 31 bank accounts, 43 insurance policies and 4 investment funds; the total value of the frozen assets was € 228,662.65 and $ 298,189.11 (of which € 107,142.81 and $ 298,189.11, respectively, in bank deposits, € 67,247.85 in insurance policies, and € 54,271.98 in investment funds).

A "Coordinating Structure for International Counter-Terrorism Cooperation", has been instituted at the Ministry of Foreign Affairs as a means of stepping up the response to the emergency caused by the events of 11 September. Its purpose is to coordinate and facilitate a consistent effort by Italy in the international fora responsible for combating terrorism in all its forms. This applies to actions undertaken within the UN, the G7 and G8, the EU, the Council of Europe, the OSCE, etc., as well as bilaterally, through appropriate coordination both within the Ministry of Foreign Affairs, and in liaison with the other Government Departments concerned. This body has been specifically designated as the National Contact Point of the Counter-terrorism Committee (CTC), established by the Security Council.

Italy is also making an active contribution within the European Union. The Laeken European Council (14-15 December 2001) emphasised that the implementation of the Action Plan adopted by the EU on 21 September is moving according to schedule, particularly thanks to the agreement on the European arrest warrant, the common definition of the crime of terrorism, the drafting of a common list of individuals and terrorist organisations, the strengthening of co-operation between specialised services, and the adoption of measures to freeze assets in accordance with UNSCR 1373(2001). The European Union is submitting a report to the CTC on the measures adopted by the 15 member countries, falling within the sphere of competence of the Union; this report therefore indicates actions taken at the national level and refers to the EU report in respect of the measures decided at its level, to which Italy fully abides.

Italy's experience in combating terrorism and the vast amount of legislation and regulations that have been put in place across the years, have enabled it to react very rapidly to the events of 11 September; the emergency adjustment of Italian legislation has already been completed and the operational procedures strengthened and made fully effective. The response to the threat posed by terrorism will require a coordinated effort on the part of the whole international community and, bearing in mind in particular the commitments entered into under UNSCR 1377, Italy is ready to cooperate actively by placing its technical expertise and legislative and administrative best practices at the disposal of the United Nations.

UNSCR 1373 Operative Paragraph 1

1 (a): ***What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)?***

Current Italian criminal law suppresses terrorist actions by whomsoever and howsoever committed; the measures that have been adopted in the past few weeks further strengthen the existing statutory framework. Within Europe, the EU Directive against money laundering marks a major step forward in this direction. Furthermore, the ratification of the United Nations Convention on the Suppression of the Financing of Terrorism (1999) is also particularly important. To hasten this process a special Working Group has been instituted to examine the changes which have to be made to Italy's domestic legislation.

Under Decree Law No.374 of 18 October 2001, enacted as Law No. 438 of 15 December 2001 (Decree Law 374/2001), the Italian Government has adopted urgent measures to combat international terrorism. Section 7 of that Decree, referring to section 18 of Law 152/1975, applies the provisions of the Anti-mafia Act (Law 575/1965) to international terrorism. This measure extends the application of pre-emptive and preventive measures involving restrictions on personal freedom (internal exile, surveillance), the investigation of economic and financial assets extended to those of family members; the sequestration and confiscation of goods acquired as a result of illegal activities or of assets into which illegally acquired assets have been reinvested, to anyone performing any action in preparation for the commission of terrorist crimes, whether domestic or international.

At the institutional level, two major innovations deserve mention. The first is the establishment, under Decree Law No. 369 of 12 October 2001, enacted as Law No 431 of 14 December 2001 (Decree Law 369/2001), of the "Financial Security Committee" -CSF- chaired by the Director-General of the Treasury, and made up of representatives of the Home Affairs, Foreign Affairs, Justice and Defence Ministries, as well as the Bank of Italy, CONSOB (the Stock Exchange Commission), UIC, "Guardia di Finanza" (Customs and Excise Police), DIA (Anti-Mafia Directorate) and the "Carabinieri". The remit given to this Committee is to monitor the way in which the prevention system operates and how the sanctions are imposed (on persons violating national legislation, with particular reference to EU regulations prohibiting the export of goods and services, bans on flights, or the freezing of capital assets). The decree also makes it possible in future to avoid having to enact "ad hoc" special

legislative instruments to lay down penalties for violations of EU regulations, because the administrative penalties will henceforth be automatically applicable. The Committee has also been vested with special powers to acquire intelligence and information in possession of Government Departments and the civil service, even if this involves waiving the Official Secrecy Act, and where necessary to request further investigations from the UIC, the CONSOB and the "Guardia di Finanza".

With regard to the Intelligence and security services, the Prime Ministerial Decree dated 23.10.2001 has vested the Permanent Working Group established at the Secretariat General of CESIS (the Executive Committee of the Intelligence and Security Services) with the task of coordinating the information-gathering work of the Intelligence Services and that of other Government Departments in respect of financial activities contrary to national security, and in particular of activities relating to terrorism. This working group, which is known as the "Committee for coordinating intelligence on financial assets", acts in accordance with the guidelines proposed by the Minister for the Economy and decided by the Prime Minister.

1(b):*What are the offences and penalties in your country with respect to the activities listed in this sub-paragraph?*

Italy's experience in combating domestic terrorism and mafia crimes has provided the country with a wide ranging set of rules and regulations to counter this new form of terrorism. In addition to existing legislation, Decree Law 374/2001, mentioned earlier, criminalizes the financing of both international and domestic terrorist activities. Section 1 ("Provisions relating to conspiracy for the purposes of domestic or international terrorism") updates article 270-bis of the Criminal Code and provides that "anyone promoting, instituting, organising, managing or financing organisations whose purpose is to propose acts of violence for the purposes of terrorism or for subverting the democratic order shall be liable for a term of imprisonment of between seven and fifteen years", and that "anyone participating in the aforementioned organisations shall be liable for a term of imprisonment of between five and ten years", specifying that "the pursuit of terrorism shall also apply when the acts of violence are directed against a foreign state, or an international organisation or institution". The same article 1 also contemplates the crime of "providing assistance to associated persons" in article 270-ter of the Criminal Code, for which the penalty is a term of imprisonment of a maximum of four years.

Law 152/1975 for the protection of public order, empowers the members of the judicial police force and the ordinary police force, in cases of necessity and when urgently required, to conduct spot checks and/or search individuals and/or vehicles in order to ascertain whether they are in possession of offensive weapons and/or tools for the purposes of breaking and entering. These provisions also apply to anyone performing actions to subvert the State and/or to anyone instigating, master-minding and/or financing them.

1(c):*What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.*

Article 2 of EU Regulation 467/2001 of 6 March 2001, and subsequent amendments thereto in implementation of UNSCR 1267/1999 and 1333/2000, provides for the freezing of all capital assets and other financial resources belonging to any individual or legal person or organisation designated by the Security Council Committee concerning Afghanistan issues, established pursuant to Resolution 1267 (1999). Italian legislation, with the enactment of Decree Law No.353 of 28 September 2001, enacted as Law No. 415 of 27 November 2001 (Decree Law 353/2001, providing penalties for infringements of the measures adopted against the Taliban) imposes administrative fines for infringements of Regulation 467, takes on board the lists of names to which these provisions and subsequent updates apply, and establishes penalties in conformity with articles 247 and 250 of the Criminal Code. These penalties, relating to acts committed against the personality of the State, concern respectively aiding and abetting acts of war and trading with the enemy.

Section 2 of Decree Law 369/2001 provides that any acts performed in violation of the provisions banning the export of goods and services and of the provisions calling for the freezing of capital and other financial resources, as set out in the Regulations adopted by the European Union Council, including in implementation of United Nations Security Council Resolutions, are null and void.

It should also be recalled that there exist a number of administrative instruments that facilitate the enforcement of freezing measures of funds, established under international law (United Nations Resolutions,

European Commission Regulations) as well as by Decree Law 353/2001. In particular, the Bank of Italy has issued instructions to financial intermediaries to report to the UIC any suspicious transactions traceable to individuals, entities or companies that are linked in any way whatsoever with the events that occurred in the United States on 11 September, referring to EU Regulations 467 and 1354 of 2001, as well as to the list drawn up by the Basle-based Banking Supervisory Committee.

Furthermore, in view of the fact that the suppression of illicit funding of international terrorism requires an active role on the part of the banks and financial intermediaries, and of the fact that such a role has now been substantially expanded, and considering the need to make the UIC reporting system and the connected financial investigations activities more efficient, the UIC, acting in its capacity as Italy's Financial Intelligence Unit (FIU), issued specific instructions to banks and the financial intermediaries on 9.11.2001. In the said instructions, the UIC has specifically asked banks and financial intermediaries: 1) to notify any measures adopted to freeze funds; 2) to report any operations or relations which, according to the information available, are traceable to individuals or entities named in the lists published by the UIC, including those posted on its Internet website (www.uic.it/liste/terrorismo.htm); 3) to promptly notify the UIC of any operations and relations connected to the financing of terrorism, in order to be able to suspend those activities if necessary.

As of 11 December 2001, in application of the abovementioned measures, 79 freezing orders had been issued, relating in particular to 31 bank accounts, 43 insurance policies and 4 common funds, for a total of € 228,662.65 and $ 298,189.11 of frozen funds (of which respectively € 107,142.81 and $ 298,189.11 of bank deposits, € 67,247.85 in insurance policies and € 54,271.98 in investment funds).

Sub-paragraph (d): ***What measures exist to prohibit the activities listed in this sub-paragraph?***

Decree Law 353/2001, freezes all cash transfers to any of the individuals named in the list annexed to Regulation 467, as subsequently updated.

Law 197/1991, as amended by Legislative Decree 153/1997, is also of relevance here. In compliance with international rules to combat money laundering (in particular the FATF - Financial Action Task Force - Recommendations, EU Directive 308/91, and the European Council Decision of 17.10.2000 on the exchange of information between FIUs), it provides measures to monitor the banking and financial systems for the purposes of preventing and combating money laundering (identifying customers, recording operations in excess of 20 million lire and continuous financial relations, and notifying suspicious transactions). The same measures are now applied for preventing and combating the financing of terrorism because this crime is now governed by the new criminal provisions of Decree Law 374/2001, which make it one of the wilful crimes falling within the scope of the provisions against money-laundering.

UNSCR 1373 Operative Paragraph 2

2(a): What legislation or other measures are in place to give effect to this sub-paragraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

As indicated above, Decree Law 374/2001 makes it a crime merely to take part in any preparatory activities in association with others for the commission of acts of terrorism. In particular, it expands the application of the regime for judicial wire-tapping and the searching of buildings or blocks of buildings to cover cases of crimes committed for the purposes of international terrorism (section 3); it introduces ad hoc provisions to permit undercover operations, and to delay the issue of arrest warrants, the arrest of individuals and the seizure of property in this connection (section 4); it extends to counter-terrorism investigations the possibility of carrying out preventive wire-tapping (section 5) and the interception of communications between persons present, in connection with the search for fugitives from the law (section 6).

With regard to the issue of recruitment of activists to be trained and then sent to places where they will subsequently engage in terrorist activities, the new legislation opens up new scope for intervention by creating new criminal offences. In April 2001, however, in order to confront this phenomenon and in the absence of specific legislative provisions to this effect, recourse was made in one instance to Law 210/1995, ratifying the

International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, adopted by the UN General Assembly in New York on 4 December 1989.

With regard to preventing the supply of weapons to members of associations or groups with the purpose of terrorism, Italian legislation already provides suitable legislative measures for effectively controlling the circulation of weapons (Law 895/1967, Law 110/1975 and Law 185/1990), through a tightly controlled system of issuing permits for imports and exports, the registration of companies and data, prior investigations of individuals and the imposition of stringent criminal penalties on offenders. As a member state of the EU, Italy also applies the restrictive criteria laid down in EU Directive 477/1991 regarding the acquisition and holding of weapons, and the 1998 European Code of Conduct regarding the export of documents. In this latter connection, it should be noted that the aforementioned Decree-Law 374/2001 incorporates (in section 1(2)) the list of "weapons of war" referred to in Law 110/1975, to include "aggressive biological and radioactive substances". It should also be noted that Section 22 of law 93/2001 has introduced into the Italian legal system the crime of "organising the traffic in waste", with penalties of imprisonment for between three and eight years in the case of highly radioactive waste. This provision is particularly useful for combating the transfer of any kind of radioactive materials that are not specifically classifiable as "aggressive".

As far as fact-finding and prevention are concerned, a particularly important aspect is that of international cooperation and the exchange of intelligence with related foreign organisations, both in established fora and through informal contacts for specific and urgent cases. In this framework, the operative exchange of intelligence through the "Police Working Group on Terrorism" circuit has proved highly effective. This Group is composed of seventeen countries (fifteen EU countries plus Switzerland and Norway), and it provides for the immediate transfer of intelligence between specialized counter-terrorism organisations. With regard to the other measures used to combat terrorism, mention should be made of the exchange of information at the international level. The Europol channel, in accordance with the tasks recently assigned to it by the European Union to combat terrorism, and that of Interpol, in dealings with third countries, are used for this purpose. The "counter terrorism" Working Group established under EU Pillar III, also carries out important function in the drafting of common projects, and in ensuring participation in the work of joint groups (Euromed, Formed) between EU and Mediterranean basin countries.

2(b): ***What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other states?***

As indicated above, Decree-Law 369/2001 providing "urgent measures to suppress and combat the financing of international terrorism", has enriched the scenario of institutions dedicated to combating terrorism, which had hitherto been the preserve of the police forces and the Intelligence and Security Services (SISDE and SISMI).

This Decree-Law, taking also into account the "Declaration" adopted on 6 October 2001 by the Finance Ministers of the G-7 Countries, created a "Financial Security Committee" - CSF - at the Ministry of the Economy and Finance. This Committee, acting jointly with the Bank of Italy, is required to identify the data and information "acquired on the basis of current legislation to combat money-laundering and illegal money-lending and to govern financial intermediaries", which Government Departments are obliged to submit for the purposes of any investigations and enquiries that may be deemed necessary.

The Chairman of this Committee is empowered to submit data and information to CESIS (the Executive Committee of the Intelligence and Security Services) and to the Directors of the Intelligence and Security Services, so as to enable the prime Minister to carry out the coordination function for which he is responsible under section 1 of Law 801/1977. The CSF is also responsible for cooperating with the agencies performing similar functions in other countries, in order to improve international coordination also in light of the relevant decisions taken by the "Financial Action Task Force" (FATF).

At the operational level, the preventive and pre-emptive activities performed by the police forces have been stepped up and precautionary measures, both of a civilian and military nature, have been implemented. The Government has approved a "Programme for the Use of Military Contingents for the Surveillance and Control of Sensitive Objectives"; over 4000 servicemen are being used to guard over 150 military objectives and civilian infrastructure sites deemed to be at risk (barracks, transmission and communications centres, public utilities, port, airport and railway facilities and installations). A number of alarm procedures have been enacted in accordance

with the "National Precautionary Alarm System", relating to heightened military intelligence-gathering activities, to the low-profile protection of installations and military personnel, to the implementation of plans for the protection of military facilities and personnel, to the protection of military intelligence, to the implementation of plans to protect the Government and to preparedness measures by the nationwide Civil Defence organisations.

For the purpose of preventing acts of terrorism, an important part is played by the action plans drawn up in the crucial sectors of infrastructure, transport and public health. With regard to the measures adopted in the area of transport, the rules governing activities prior to the take-off of commercial aircraft have been critically overhauled, in coordination with the "Political Military Unit" (NPM) set up at the Office of the Prime Minister, and the new amended procedures have been adopted as the "National Security Programme" for airports and air transport. A raft of measures have been enacted to guarantee the security of Italian airports and to prevent acts of terrorism, such as: the "National Security Programme" regulations; security checks of passengers and hand luggage; security checks of baggage carried in the hold; security measures for potential exposure to risks and for sensitive flights; security checks of diplomatic personnel, special cases, crew members and airport personnel, and security checks of aircraft. A programme of on-site inspections to minor airports is currently underway to improve security conditions and, where necessary, to adopt operational restrictions.

In the field of rail transport, ad hoc surveillance has been stepped up over the rail networks and around a number of sites and facilities deemed to be sensitive, and personnel (particularly the operational staff) has been alerted to the prohibition of access by outsiders to train driving cabins, the secure locking of storerooms and other facilities other than in times of normal use, the control of equipment installed in train compartments, the need to ascertain the identity of engine drivers and travelling staff, and to notify the Railway Police of any thefts or loss of documents and/or uniforms, baggage or any other objects left unattended, and of any other non authorized persons found on the premises of facilities, service rooms or restricted areas. With regard to overland transport, measures have been adopted to protect such sensitive areas as galleries and tunnels, viaducts and overpasses and fixed facilities. In the field of maritime transport, measures have been adopted to tighten up security around the main harbour installations and in such sensitive areas as passenger access and identification. A Working Party has also been instituted to draft a Port Security Plan.

With regard to public health, an interdisciplinary Working Group has been created to deal with the consequences of the possible use of biological or chemical weapons. A plan for a rapid and effective response to situations that might create a serious threat to human health has also been distributed; it calls for each individual Regional authorities to activate Crisis Units and to identify centres and healthcare structures with the aim of creating a standardised care network at nationwide level. Furthermore, an early-warning system has been established to signal any unforeseen events that could lead to biological, chemical-toxicological and physical hazards, together with a specific protocol for conducting international rapid tests on any suspect material. Lastly, all the local Offices responsible for conducting international prophylactic measures on individuals, goods and migrants (namely, all the activities and measures relating to people, property and vehicles crossing the national border, in order to protect public health and persons from exposure to biological, chemical or physical risk factors) have been urged to step up their vigilance in relation to these tasks.

In order to guarantee the maximum transparency and provide the public with the maximum amount of information, a toll-free number has been instituted to be used by members of the public and members of the medical professions. This toll-free number serves a double purpose: on the one hand, it reassures the general public and provides it with reliable and accurate information, and on the other it records any reports from the medical professions, assesses the quality of those reports and distributes the information to the competent authorities and agencies.

For the purposes of information, all documentation concerning any biological and chemical agents that might be used for the purposes of terrorism, together with prophylactic and containment measures, and the list of useful drugs for dealing with them, have been made available to the Regional Authorities, the Local Health Boards, hospitals and the medical associations, and to the competent Government Departments. Lastly, a protocol has been drawn up defining the procedures to be followed with materials suspected of being contaminated with B.anthracis spores, which indicates which materials must be considered suspect, alarm procedures and the measures to be taken for taking samples and transporting them, and treating the possible contaminant to render it harmless.

2(c): ***What legislation or procedures exist for denying safe haven to terrorists such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph? It would be helpful if States supplied examples of any relevant action taken.***

With regard to the provisions for excluding anyone suspected of belonging to terrorist organisations, section 13 of Legislative Decree 286/1998 empowers the Italian Minister of Home Affairs to deport anyone deemed a threat to public order and safety, which includes persons presumed to belong to the aforementioned criminal associations and organisations.

Italy, as a party to the Schengen Convention, which was ratified by Law 388/1993, also checks every visa application against the Schengen Information System (SIS) and in the case of nationals from sensitive countries, it carries out security checks in consultation with the other member States. It should also be recalled that pursuant to Section 2(2) of the ratification Law, "for the purposes of public order or national security, a contracting Party may, after consultation with the other contracting Parties, decide that for a limited period of time, national border controls may be carried out at its borders as appropriate for the situation. If, for reasons of public order or national security, immediate action is required the contracting Party concerned shall adopt all the necessary measures and inform the other contracting Parties as soon as possible".

After 11 September, Italy autonomously adopted a more selective approach to the entry of foreign nationals into Italy. This attitude involved the adoption of more stringent measures, but also heightened attention to such issues as combating illegal immigration and the role of foreign nationals in our country. Specific measures were adopted in four areas:

a) Visas. Italy has promoted an initiative within the European Union to study the ways of combating more effectively terrorism by carrying out controls prior to entry into the Schengen area of foreign nationals. Italy has also requested that a fresh impetus be given to consular cooperation through improved coordination and a homogeneous and structured exchange of information between all consular offices, beginning with those in the most sensitive areas. On 6 and 7 December 2001, 27 Italian Ambassadors in the most sensitive countries were called to a special meeting at the Ministry of Foreign Affairs, in order to carry out a thorough review of the criteria and procedures for admitting foreign nationals to Italy.

b) Readmission Agreements provide the ways and means for identifying and returning illegal immigrants to their home countries, and are therefore useful instruments for combating illegal immigration. Italy has been engaged for many years in setting up a wide-ranging network of such agreements and intends to step up its action in this regard. Identifying and expelling anyone seeking to enter Italy illegally is now also a clear security requirement. At the present time, there are 19 readmission agreements in force (with Albania, Austria, Bulgaria, Croatia, Estonia, France, FYROM, Greece, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia, Spain, Switzerland, Tunisia, and Yugoslavia), while another five have already been signed and are currently awaiting formal ratification (with Algeria, Georgia, Morocco, Nigeria, Sri Lanka). It is important to emphasise that Italy's approach is not limited only to neighbouring countries but covers also more far-flung countries, particularly in Central Asia, from where an increasing migration flow is to be expected in the future, which could have implications also in respect of the risk of terrorism. Contacts have already been made to negotiate agreements with Pakistan, Bangladesh, Iran and India.

c) The Government Draft Reform Bill of the Immigration Act, which is currently being debated in Parliament, has introduced a number of new provisions designed to step up the prevention of illegal immigration. Firstly, it requires foreign nationals served with a deportation order to be actually escorted to the Italian border (and not simply be ordered to leave Italy). The Bill has also doubled (from 30 to 60 days) the period of time during which a foreign national, who is not legally present in Italy, may be detained in a Temporary Reception Centre for the purposes of identification (which is essential in order to make repatriation possible). Criminal penalties have also been greatly increased to deal with illegal immigrants repeatedly found in the country after having been served with deportation orders, and for anyone who, in any way whatsoever, aids and abets the illegal entry of foreign nationals into Italy.

d) The right to political asylum is regulated in Italy by section 1 of Law 39/1990 and a number of the provisions in the Immigration Act. Under these provisions, a special agency, the Central Commission for the Recognition of Refugee Status, is responsible for examining all applications for asylum and deciding whether or not to grant the status of political refugee. The provisions for political asylum have also been revised in the Draft Reform Bill of the Immigration Act, which deals specifically with bogus asylum applications submitted solely to

evade the execution of deportation orders. The Bill provides that whenever the request for political asylum is made by certain categories of individuals who are deemed to be most at risk, a streamlined procedure can be adopted and the persons concerned are to be held in Temporary Reception Centres until the application has been examined.

2(d): ***What legislation or procedures exist to prevent terrorists acting from your territory against other states or citizens? It would be helpful if States supplied examples of any relevant action taken.***

The new rules introduced into the Criminal Code with article 270-bis cover all the cases referred to in this paragraph, and contemplate the new criminal offence of conspiring for the commission of acts of international terrorism; article 270-ter also introduces the crime of aiding and abetting conspirators, which is punished with imprisonment for up to 4 years.

Particularly important among the new legislative provisions in terms of prevention is the fact that during the course of investigations into terrorist crimes, it is now possible to carry out undercover operations under the control of the Courts. The right to carry out preventive wire-tapping, under the direct responsibility of the Public Prosecutor and for an appropriate period of time, allows the collecting of intelligence on with respect to situations which may pose serious threat to domestic and international security. The devolution of the territorial jurisdiction for combating terrorist crimes to the Public Prosecutor of the chief town of the judicial district, will help to rationalise judicial action.

At the moment Italy is investigating crimes of international terrorism committed in Rome in relation to the 11 September New York massacre, for which the Italian Courts are responsible since Italian citizens were involved. Preliminary investigations are also being conducted into Algerian nationals suspected of belonging to organisations linked to EL-QAEDA, as has been widely reported in the media.

For further information, it is worthwhile recalling a number of provisions in the Italian Criminal Code. Article 110 makes any person aiding and abetting crime liable for that same crime, and therefore makes it possible to prosecute anyone financing individual acts of terrorism; art.240(1) involves the seizure of funds of this kind; the illegal establishment of and participation in international conspiracies constitute crimes punishable under Articles 273 and 274. Other cases, such as terrorist bombing, devastation, looting and multiple murder, and attacks against constitutional organs of the State and regional assemblies are provided by articles 280, 285 and 289. Article 289-bis introduces the punishment for abducting individuals for terrorist purposes; article 294 deals with the political rights of the citizens, article 306 provides penalties for establishing or taking part in armed gangs, and, lastly, article 312 sanctions the expulsion of foreign nationals who have been found guilty of these crimes.

2(e): ***What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.***

Decree Law 374/2001 provides that "anyone who promotes, creates, organises, manages or finances" such organisations shall be liable for a term of imprisonment of between seven and fifteen years; "anyone who participates" in such organisations for the purpose of committing acts of international terrorism shall be liable to a term of imprisonment of between 5 and 10 years; "anyone who, even if not aiding and abetting the commission of a crime, gives refuge, hospitality, or provides vehicles or means of communication ... may be imprisoned for up to 4 years", with an increased penalty in the event that such aiding and abetting is provided on a continuous basis. All acts committed for the purposes of terrorism are considered serious both as far as the punishment provided by general rules is concerned, and in relation to the Court having jurisdiction (the Court of Assizes). The seriousness is reflected further in the fact that the attenuating circumstances to reduce the penalties are applicable to a lesser degree and that the prison sentences have to be served in high-security establishments.

This Decree Law has, among other things, updated article 270-bis of the Criminal Code and has further strengthened the system of the criminal law provisions already in force. In particular, the most relevant rules for combating domestic terrorism are contained in article 270 of the Criminal Code, which contemplates the crime of setting up subversive organisations; in article 270-bis which contemplates the crime of conspiracy for the purposes of terrorism and subversion of the democratic order; in articles 285 and 286 regarding devastation,

multiple murder, looting, and civil war; in article 306 governing armed organisations; in article 280 which lays down the penalties for attacks designed for the purposes of terrorism and subversion; in article 289-bis relating to the abduction of persons for terrorist purposes or to subvert democratic order. Italy has a number of instruments for preventing terrorism that have been in operation since the Seventies, under legislation to protect law and order and to combat the subversion of the democratic system, which are still applicable and effective. Pursuant to Decree Law 374/2001, such provisions are now applicable also to crimes that are committed for the purposes of international terrorism. In particular, mention should be made of the following measures: the possibility of conducting police searches to discover weapons and explosives, without requiring the intervention or authority of the Courts (Section 4 of Law 152/1975); the seizure and confiscation of buildings in which weapons have been discovered (Section 5 of Law 533/1977); the detention of persons refusing to provide personal particulars or who are without identity documents (Section 11 of Law 191/1978); the statutory requirement to notify the authorities of assignments of property or the use and enjoyment of a building (Section 12 of that same Act).

In addition to this, the Italian legal system makes provision pursuant to Section 1 of law 15/1980 for aggravating circumstances, so that it is possible to proceed not only in respect of specified crimes related to this field, but also by charging suspects of ordinary crimes with the aggravating circumstances of having acted with the intention to commit acts of terrorism or the subversion of the democratic order. Many Italian terrorists, however, were or are on parole despite having been meted final judgements and having been convicted at the end of the due process of law. This is justified by the fact that another important criminal law policy was adopted by Italy during the years of terrorism; i.e. substantial reductions of penalties were made available to criminals who dissociated themselves from terrorist organisations and who turned State evidence by cooperating with the judicial enquiries. Such collaboration, and what in Italy is known as "repentance", have made a fundamental contribution to combating domestic terrorism.

The effectiveness of these measures has been demonstrated by the positive outcome of the judicial enquiries conducted during the twenty years of terrorism that Italy experienced, and also by the enquiries into international terrorist organisations that have attacked targets in Italy belonging to foreign states. One example is the attack on the US Embassy in Italy by the terrorist organisation named "Japanese Red Army". The trial, which ended with the conviction and sentencing of numerous members of that organisation, is an exemplary case of Italy's effective legislation in suppressing international terrorist acts. Concrete examples of convictions obtained and enforced against "endogenous" terrorism are those against the "Red Brigades", whose members and associates have all been convicted in the trials that have been held in relation to the assassination of former Prime Minister Aldo Moro, and the massacre of his bodyguards. One should not be deceived by the fact that some of the convicted criminals are on parole, because this is due to the special prison regime granted to those who have actively cooperated in the investigations. It is this which has made possible to put an end to Italian terrorism once and for all. Other examples are the trial of the armed gang known as "Prima Linea", and the terrorist organisations which have assassinated a number of leading Italian figures (Ruffilli, Conti, Tarantelli).

2(f): ***What procedures and mechanisms are in place to assist other states? Please give any available details of how these have been used in practice.***

Italy is already a party to numerous Conventions on this subject matter. Here are a few, indicated in terms of the international organization or the depository state.

UNITED NATIONS

- International Convention Against the Taking of Hostages, 17.12.1979, enacted in Italy by Law No. 718 of 26.1.1985.
- Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, 14.12.1973, enacted in Italy by Law No. 483 of 8.7.1977.

EUROPEAN UNION

- Agreement Concerning the Application of the European Convention on the Suppression of Terrorism Among the Member States of the European Communities. Ratified by Law No. 720 of 26 November 1985, it is not yet internationally in force.
- Treaty on European Union, Maastricht 7.2.1992, enacted in Italy by Law No. 454 of 3.11.1992, in which articles 29 (K.1) and 31 (K.3) provide for both police and judicial cooperation.

- European Community Regulation 467/2001 and subsequent amendments, issued in implementation of Security Council Resolutions 1267 (1999) and 1333 (2000) prohibiting an export of goods and services to Afghanistan. The penalties provided by this Regulation which the Commission requests from the Member States, became effective in Italy under Decree Law No.353 of 28 September 2001.

COUNCIL OF EUROPE

- European Convention on Extradition, 13.12.1957 and the associated additional Protocols enacted in Italy by Law No. 300 of 31.1.1963.
- European Convention on Mutual Assistance in Criminal Matters, 13.12.1957 enacted in Italy by Law No. 215 of 23.2. 1961.
- Convention on the Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, of 8.11.1990, enacted in Italy by Law No. 328 of 9.8.1993 (article 76 of the Convention indicates the crimes (including terrorism) for which assets may be seized.
- European Convention on the Suppression of Terrorism, 27.1.1977 enacted in Italy by Law No. 719 of 26.11.1985.

ICAO

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, 14.9.1963, enacted in Italy by law No.468 of 11.6.1967.
- The Montreal Protocol for the Suppression of Unlawful Acts of Violence At Airports Serving International Civil Aviation, Supplementary to the Convention of 23.9.1971 for the suppression of unlawful acts against the safety of civil aviation of 24.2.1988, enacted in Italy under Law No.394 of 30.11.1989.
- The Convention on the Marking of Plastic Explosives for the Purpose of Detection of 1.3.1991. The law was enacted under Law 407 of 20.12.2000 but has not yet been implemented in Italy because the internal domestic measures provided by Section 4 of that Act have not yet been issued implementing article IV of the Convention.

IMO

- The Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation of 10.3.1988 Enacted in Italy by Law No.422 of 28.12.1989.
- The Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf of 10.3.1988, enacted in Italy by Law No.422/1989.

IAEA

- The Convention on the Physical Protection of Nuclear Material, Adopted in Vienna on 3 March 1980, and enacted in Italy by Law No.704 on 7 August 1982.

USA

- The Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation of 23.9.1971, enacted in Italy by Law No.906 of 22.10.1973.
- The International Convention for the Suppression of Unlawful Seizure of Aircraft of 16.12.1970, enacted in Italy by Law 906/1973.

2(g): ***How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc?***

Control of air, maritime and land borders falls under the responsibility of the specialized police forces. This activity is constantly backed up by international intelligence, through the aforementioned channels and the contribution of specialized counter-terrorism units. Particularly important here is the application of current Schengen legislation and the use of national provisions regarding cross-border violations. Any suspicious individuals can have their identities checked on Italian territory by any police official, even in the streets, by using the terminals installed on police cars which are linked by computer directly to the integrated police data bank. This system (SDI - Investigation System) makes it possible to ascertain immediately whether a given person is being sought by the police, or has a criminal record, or is under observation, or has been seen in the company of anyone connected with subversion or terrorism. Effective controls can also be carried out on documents, motorcars, weapons and banknotes.

From the point of view of the investigations, particular attention is paid to checking whether identity documents and documents authorising residence within the Italian territory have been forged, and action has been

undertaken to dismantle the illegal supply channels. Special attention is also paid to the risk of forging entry and stay permits, both by including specific features in these documents to make it more difficult to reproduce them, and by creating the criminal offence of forging entry and stay documents.

UNSCR 1373 Operative Paragraph 3

3(a): ***What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph? (actions or movements of terrorist or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communication technologies by terrorist groups; threat posed by the possession of weapons of mass destruction by terrorist groups)***

In addition to the use of the international channels mentioned above, bilateral meetings are often held to exchange experiences and operational know-how as well as information on specific investigation activities.

In the light of the new threat, it has become increasingly necessary to set up a streamlined, rapid and effective cooperation system, involving all the authorities responsible in different countries for the prevention and suppression of terrorism. Italy has therefore joined the special Task Force, set up by Europol, which covers the four areas of collecting and disseminating information/intelligence, analysing it in operational terms, carrying out operations, and conducting strategic analyses. This Task Force, which is still in its initial phase, will essentially deal with the 11 September attacks, but will gradually extend its powers and responsibilities to cover terrorism in general.

Within the G8 Countries, the Ministers have adopted an Action Plan to combat terrorism, which has been drawn up jointly by the Working Groups against organised crime (the "Lyon Group") and counter-terrorism (the "Rome Group"). The plan lays down in detail numerous initiatives to step up the exchange of information and cooperation between the Courts with regard to combating terrorism in a number of areas including: the connections between drug trafficking and terrorism and between the illegal traffic in weapons and terrorism; high-tech terrorist threats and non-conventional terrorist threats (CBRN, chemical, biological, radiological and nuclear); the safety of air transport. Where necessary, special workshops have been held to debate the issues (as in the case of non-conventional threats, the counterfeiting of travel documents and the linkage between the traffic in persons and terrorism) and/or the appointment of specific contact points (for airline security and the trafficking in weapons).

It should also be recalled that Italy has organised in 2001 two Expert Seminars on issues related to combating terrorism: one on illegal immigration and trafficking in human beings, and one on the technological capabilities of terrorist organisations. With regard to the initiatives undertaken to deal with attacks by non-conventional weapons, Italy has not been the target of terrorist attacks of this kind, as confirmed by the negative results of laboratory tests on numerous envelopes and parcels containing suspect substances delivered to various parts of the Italian territory.

The General Command of the "Carabinieri", jointly with the territorial Commands of the Fire-fighting Service, have ascertained the efficiency and operational functioning of the equipment to monitor radioactive fallout activated in a selected number of "Carabinieri" barracks. Furthermore, specific instructions have been issued regarding the security procedures to be adopted in the event of receiving or discovering letters or parcels containing traces of chemical or bacteriological substances. At the same time, a process has been initiated to acquire new materials for personal protection against CRBN attacks.

The Office of the Prime Minister has drawn up a general coordinated plan to deal with CRBN attacks, and plans are currently being drafted by each Government Department on the basis of it. The plan intends to ensure the effective protection and defence both of the civilian population and of institutions against any terrorist attacks using chemical or biological agents, in specific areas deemed to be sensitive. It provides guidance on the measures to be adopted and the procedures to be implemented in order to combat this type of threat, through the tightest integration of the national structures for prevention, protection and assistance, particularly in relation to protecting the persons involved in dealing with them.

3(b): ***What steps have been taken to cooperate in the areas indicated in this sub-paragraph? (i.e. to prevent the commission of terrorist acts).***

As already indicated in sub-paragraph (b), Italy is a party to the "Police Working Group" on Terrorism, to which seventeen countries belong (the fifteen member States of the European Union plus Switzerland and Norway) and which makes it possible to immediately circulate information between the specialised counter-terrorism organisations, also for preventive purposes. It should be further remembered that, as the same sub-paragraph (b) indicated, in addition to its active participation in Interpol, Italy is involved in the Europol cooperation channel between member States of the European Union. Furthermore, EU judicial cooperation will be given a fresh impetus through the institution of Eurojust.

3(c): ***What steps have been taken to exchange information and cooperate in the areas indicated in this sub-paragraph? (i.e. to cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts).***

Italy is party to numerous international multilateral Conventions (described above in the reply to paragraph 2 (f)), and also to the following bilateral Agreements:
- Cooperation Agreement with the Czech Republic to Combat Terrorism, Organised Crime and the Illegal Trafficking of Drugs and Psychotropic Substances, signed in Prague on 22/03/1999.
- Cooperation Agreement with Hungary to Combat Terrorism, Organised Crime and the Illegal Trafficking of Drugs and Psychotropic Substances, signed on 13/05/1997.
- Memorandum of Understanding with Saudi Arabia to Combat Terrorism, the Illegal Trafficking of Drugs and Psychotropic Substances and Other Forms of Organised Crime, signed on 13/05/1997.
- Agreement with Argentina on Cooperation to Combat Terrorism, the Illegal International Trafficking of Drugs and Organised Crime, signed on 06/10/1992.
- Agreement with Austria on Cooperation to Combat International Terrorism, International Organised Crime and the Illegal Trafficking of Drugs, signed on 12/11/1986.
- Agreement with Chile on Cooperation to Combat Terrorism, Organised Crime and the Trafficking of Drugs, signed on 16/10/1992.
- Agreement with Cyprus on Cooperation to Combat Terrorism, Organised Crime and the Trafficking of Drugs, signed on 15/03/1991.
- Additional Protocol to the Agreement with Cyprus on Cooperation to Combat Terrorism, Organised Crime and the Illegal Trafficking of Drugs, signed on 05/05/1991.
- Memorandum of Understanding with Egypt to Combat Terrorism, the Illegal Trafficking of Drugs and Other Forms of Organised Crime, signed on 07/12/1988.
- Agreement with France to Institute a Committee to Cooperate in Combating Terrorism, Organised Crime and Drug Trafficking signed on 13/10/1986.
- Joint Decision with the United Kingdom to Institute a Working Group to Cooperate Against Terrorism, signed on 17/04/1985.
- Agreement with the United Kingdom on Cooperation to Combat Terrorism, Organised Crime and the Trafficking of Drugs, signed on 11/01/1989.
- Agreement with Greece on Cooperation to Combat Terrorism, Organised Crime and the Trafficking of Drugs, signed on 23/09/1986.
- Agreement with India on Cooperation to Combat Terrorism, Organised Crime and the Trafficking of Drugs and Psychotropic Substances, signed on 06/01/1998.
- Agreement with Israel on Cooperation to Combat Terrorism, the Trafficking of Drugs and other Form of Serious Crime signed on 04/12/1986.
- Working Agreement with Israel to Cooperate to Combat Terrorism, Organised Crime and the Trafficking of Drugs, signed on 13/09/1994.
- Exchange of Notes with Malta, Constituting an Agreement Amending Article 1 of the Agreement on Cooperation to Combat Terrorism, Organised Crime and the Trafficking of Drugs of 28/02/1991, signed on 03/09/1996.

- Agreement with Morocco on Cooperation to Combat Terrorism, Organised Crime and the Trafficking of Drugs signed on 16/01/1987.
- Additional Protocol to the Agreement with Morocco of 16.01.1987 on Cooperation to Combat Terrorism, Organised Crime and the Trafficking of Drugs, signed on 16/12/1996.
- Agreement with Spain on Cooperation to Combat Terrorism, and Organised Crime signed on 12/05/1987.
- Agreement with Turkey on Cooperation to Combat Terrorism, Organised Crime and the Laundering of the Proceeds of Crime, the Illegal Trafficking of Drugs, Psychotropic Substances and Human Beings, signed on 22/09/1998.
- Agreement with the USA on Cooperation to Combat Terrorism, signed on 24/06/1986.

The points raised in sub-paragraphs (a), (b) and (c) referred to above, relate as a whole to international cooperation between the Intelligence Services. This cooperation, which has already developed considerably and fruitfully, has recently been enhanced both bilaterally and in the fora to which Italian Intelligence Services belong, together with the other western Intelligence Services, and also through the cooperation channels that exist with a number of countries that have specific experience with terrorism.

In more general terms, the Italian Intelligence Services are engaged in making the most of international cooperation. This is being carried out so as to take account of the main trends emerging in the field of international terrorism, and therefore particularly in the organisational complexity of radical networks and the linkages between different types of activities and different areas of the world, as well as the emergence of new threats relating to non-conventional materials, or attacks on sensitive sites. The same attention is also being paid, both in the gathering of intelligence and in exchanges with allied services, to the possible interaction between terrorism and organised crime, and with the increase in illegal transnational trafficking.

The need to deal with the terrorist threat in the long term and in order to optimize prevention is also being addressed by the Italian Government as far as intelligence is concerned, through a plan to reform the whole intelligence sector, which is currently being drafted, to endow inter alia the Intelligence Services with more effective operational instruments.

3(d): ***What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?***

Italy has already ratified ten of the twelve United Nations Conventions against terrorism. As far as the "International Convention for the Suppression of Terrorist Bombings" is concerned, the Government has already approved the Bill for its ratification. With regard to the "International Convention for the Suppression of the Financing of Terrorism", a special Working Group has just been set up to expedite the ratification procedure. A number of even more stringent rules are expected to be introduced in the ratification Law, not only to guarantee the reception of the international rules into domestic law, but also to introduce adjustments aimed at making international cooperation in combating the international financing of terrorism even more effective.

3(e): ***Provide any relevant information on the implementation of the convention, protocols and resolution referred to in this sub-paragraph.***

Italy is a signatory to all the indicated Conventions except the Conventions for the Suppression of Terrorist Bombing and on the Financing of Terrorism, which are currently going through the process of ratification. Italy fully applies the international Instruments to which it is a party, pursuant to UNSCR 1269(1999) and 1368(2001).

3(f): ***What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.***

As indicated in sub-paragraph 2(c) the right to political asylum is governed in Italy by the 1951 Geneva Convention, which has been ratified and incorporated into Italian law, and by other measures that have been issued over the years, especially by Section 1 of Law 39/1990 and Law 286/1998 on immigration. Section 1(4)(d) prohibits the entry into Italian territory of any foreigners intending to apply for political asylum when the border

police have effectively ascertained that the applicant has been convicted in Italy of one of the crimes provided by article 380(1) and (2) of the Code of Criminal Procedure, or constitutes a threat to national security, or belongs to a mafia type organisation, or an organisation involved in drug trafficking or terrorist organisations.

3(g): ***What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognised as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.***

Political asylum is granted taking account of the rules laid down by the Council of Europe to guarantee respect for human rights, while not providing coverage for international terrorist networks. Articles 10(4) and 26(2) of the Italian Constitution provide that no-one may be extradited for crimes of a political nature. These rules refer to the ban on extraditing anyone who has acted in opposition to illiberal regimes and is not accused of crimes punishable by the Italian Criminal Code. Notwithstanding this, the Italian Courts retain the obligation to pass judgement even in such cases.